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The Nuclear Ban Treaty: Advocates, Neutrals, and Opponents in the European Union

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Abstract

Supporters of the nuclear non-proliferation regime seek to reduce the threat of nuclear weapons faced by the international community. Although there is vast support for the elimination of nuclear weapons, governments struggle to find common ground and promote progress. Member countries of the European Union in particular, who supposedly share one Common Foreign and Security Policy (CFSP), fail to reach a consensus on the Treaty on the Prohibition of Nuclear Weapons. This paper seeks to explain what has caused member countries of the European Union (EU), which claim to speak with one collective voice, to deviate from the apparent *status quo*.

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Introduction

Key Concepts

There are several key concepts in this research project. Proliferation is the spread of nuclear weapons, nuclear weapons technology, materials, and information that could help a state develop nuclear weapons.[1] As defined by the *Treaty on the Non-Proliferation of Nuclear Weapons* (NPT), a Nuclear Weapons State (NWS) is "one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967".[2] A Non-Nuclear Weapons State (NNWS) is a state that has not detonated, developed, or acquired nuclear weapons. A nuclear host state is a state that does not possess nuclear weapons of its own but stores functional nuclear weapons on its territory. A Nuclear-Weapon-Free Zone (NWFZ) is an area that bans the use, development, or deployment of nuclear weapons.[3] A nuclear umbrella refers to the protection that a country allegedly gains through an alliance with a nuclear weapons state. This project focuses on the new Treaty on the Prohibition of Nuclear Weapons, also known as the Nuclear Ban Treaty (NBT), which opened for signing on September 20, 2017.

Hypothesis

The question that this paper seeks to answer is: What explains the positions of EU countries concerning support for or opposition to the prohibition of nuclear weapons under the Nuclear Ban Treaty? Based on an analysis of each country's allegiance commitments, nuclear arsenals, national security concerns, and interpretations of treaty language, this paper hypothesizes that competing identities are the source of discrepancy in attitude towards the NBT. Specifically, conflicting policies and expectations challenge EU members of the North Atlantic Treaty Organization (NATO), which give them a unique role on the world stage. Through a constructivist understanding, social constructs such as norms and discourse demonstrate significant influence on the decision-making processes of EU countries.[4] The timeline this paper focuses on is post-Cold War, 1990 to present, as the end of the war marks a turning point in international attitude towards nuclear weapons and proliferation. This period includes the codification of the Comprehensive Test Ban Treaty (CTBT) and indefinite extension of the NPT, two significant pieces of legislation geared towards non-proliferation. This time period is useful

when evaluating the current situation, as the global community had appeared to find common ground on the issue but has since shown divergence regarding the NBT.

Literature Review

Scholars such as Beatrice Heuser, Kristan Stoddart[5], Dong-Joon Jo, and Erik Gartzke[6] use a realist approach to identify deterrence as a main variable of proliferation, a concept associated with a country's resources and capabilities. Other scholars such as Robert Keohane, Lisa Martin[7], and Neal G. Jesse[8] use a more liberalist approach to identify cooperation, verification, and the role of institutions as key variables. Markedly, these scholars overlook the paramount role of identity and norms in the proliferation process. Jesse explores the components of a state's identity and the impact that those components have on foreign policy, which is relevant to this analysis. This paper's argument follows that of William C. Potter[9] who analyzes the impact of the humanitarian-initiative movement (HIM) on the disarmament process through a constructivist lens, with a focus on the role of discourse. Constructivists seek to understand the process of how international norms evolve and play a role in the behavior of states.[10] Constructivism involves analyzing interactions between individuals and structures through methods such as discourse analysis to see how states shape identities and interests.[11] Potter found that differing opinions on the issue had a significant impact on multilateral disarmament and non-proliferation diplomacy, and are likely to remain a component of nuclear negotiations in the future.

Research Design

This comparative case study encompasses analyses of government policy statements and declassified documents, treaty documents, conference records, white papers, and public speeches made by political leaders at United Nations conferences. Initially, this research sought to identify patterns in orientation towards the NBT within the scope of EU members and NATO members. These patterns were then compared with support or lack thereof for the NPT, the CTBT, a potential Fissile Material Cut-off Treaty (FMCT), and NWFZs. Data collection presented four notable outliers: Austria, Ireland, the Netherlands, and Poland, due to strong orientation towards

the NBT and nuclear non-proliferation. The purpose of this research is to determine what variables were most influential in constructing these particularly conspicuous positions.

Outliers

Austria and Ireland are two advocate outliers that have shown adamant support for the treaty and non-proliferation regime as a whole. Austria and Ireland were among the few states that voted in favor of the draft NBT, and while the majority of others abstained, the Netherlands was the only country from any region to vote against the draft. A fourth outlier is Poland, not because it has a dominant role in the implementation process, but because it has a unique history and a correspondingly unique course of action regarding nuclear proliferation, which warrants further analysis. These four countries are not the only EU states to have differing views on the NBT, but they are the most prominent and practical for comparison. This paper will only briefly mention the United Kingdom and France, as they are also outliers for obvious reasons, such as their status as NWS.

Regional Anti-Proliferation Index

To gauge commitment to the non-proliferation agenda, the regional Anti-Proliferation Index measures involvement in the legal regime based on military expenditures, nuclear weapon arsenal size, support for the NPT, CTBT, Draft NBT, and official NBT, and presence at the United Nations Conference to Negotiate a Legally-Binding Instrument to Prohibit Nuclear Weapons, Leaning Towards their Total Elimination. A country will get one point (+1) if its military expenditures have consistently decreased since 1990, no points (0) if the percentage spent remains the same and lose points if it has increased overall (-1). A country will receive one point (+1) for decreasing its nuclear arsenal size, receive no points (0) for maintaining the same arsenal size, and lose one point for increasing its arsenal size (-1). If a country is a nuclear host state, meaning that it stores the nuclear weapons of other NWS on its territory, it will lose 0.5 points (-0.5). Ratification of selected treaties receives one point (+1), followed by accessions and successions (+0.75 points), signatories (+0.5), non-signatories (0), and withdrawals (-1). Similarly, a vote for the NBT draft treaty receives one point (+1), abstentions receive no points

(0), and an opposition vote results in a loss of one point (-1). Regarding the 2017 United Nations Conference to Negotiate a Legally Binding Instrument to Prohibit Nuclear Weapons, Leading towards their Total Elimination, presence receives one point (+1) and absence receives no points (0). A country will be awarded extra points if it makes a statement at the conference (+0.5), sends more than the average number of representatives (+0.75), or holds a leadership position at the conference (+1), because these factors further exemplify noteworthy engagement.

The country that has the highest number of points is the most active in non-proliferation efforts based on the chosen variables. The following chart represents the point system:

<table>
<tr>
<td>Trajectory of Military Expenditure 1990-2016 (%GDP)*
Overall decrease in spending +1
No change in spending overall 0
Overall increase in spending -1

Nuclear Weapon Arsenal Size (1990-2017)
Decrease in size +1
No change in size 0
Nuclear Host -0.5
Increase in size -1</td>
<td>Support for NPT, CTBT, NBT
*Counted separately for each treaty
Ratification +1
Accession/Succession +0.75
Signature +0.5
No signature 0
Withdrawal -1

Draft NBT Vote
Vote for +1
Did not vote 0
Vote against -1</td>
</tr>
<tr>
<td colspan="2">Presence and Involvement in 2017 Conference
Present +1
Absent 0
BONUS POINTS:
Statement +0.5
More than average # of reps +0.75
Leadership position +1</td>
</tr>
</table>

*Complete 2017 Military expenditure data is not yet available.

Data comes from the *Bulletin of the Atomic Scientists*, the World Bank Group, the United Nations, and the United Nations Office for Disarmament Affairs. The average number of

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representatives present per country at the 2017 NBT Conference is five, determined by dividing the total number of representatives present at the conference by the total number of countries present.

Anti-Proliferation Index (API): Europe

1990-2017

Country							**Score**	**Rank**
	Expenditure (MX)	Arsenal	NPT	CTBT	NBT Draft	NBT Presence		
Austria	+1	0	+1	+1	+1	+0.5	+2.75	7.25	1
Belgium	+1	-0.5	+1	+1	0	0	0	2.5	9*
Bulgaria	+1	0	+1	+1	0	0	0	3	7*
Croatia	+1	0	+0.75	+1	0	0	0	2.75	8*
Cyprus	+1	0	+0.75	+1	+1	0	+1	4.75	4
Czech Republic	+1	0	+0.75	+1	0	0		2.75	8*
Denmark	+1	0	+1	+1	0	0	0	3	7*
Estonia	-1	0	+0.75	+1	0	0	0	0.75	11*
Finland	0	0	+1	+1	0	0	0	2	10
France	+1	+1	+0.75	+1	0	0	0	3.75	5
Germany	+1	-0.5	+1	+1	0	0	0	2.5	9*
Greece	+1	0	+1	+1	0	0	0	3	7*
Hungary	+1	0	+1	+1	0	0	0	3	7*
Ireland	+1	0	+1	+1	+1	+0.5	+1.75	6.25	2*
Italy	+1	-0.5	+1	+1	0	0	0	3.5	6*
Latvia	-1	0	+0.75	+1	0	0	0	2.5	9*
Lithuania	-1	0	+0.75	+1	0	0	0	0.75	11*
Luxembourg	+1	0	+1	+1	0	0	0	3	7*
Malta	+1	0	+1	+1	+1	0	+1	5	3

Netherlands	+1	-0.5	+1	+1	-1	0	+2.25	3.75	5
Poland	+1	0	+1	+1	0	0	0	3	7*
Portugal	+1	0	+0.75	+1	0	0	0	2.75	8*
Romania	+1	0	+1	+1	0	0	0	3	7*
Slovakia	+1	0	+0.75	+1	0	0	0	2.75	8*
Slovenia	+1	0	+0.75	+1	0	0	0	2.75	8*
Sweden	+1	0	+1	+1	+1	0	+2.25	6.25	2*
Spain	+1	0	+0.75	+1	0	0	0	2.75	8*
United Kingdom**	+1	+0.5**	+1	+1	0	0	0	3.5	6*

*Tie

**The United Kingdom received +0.5 for Nuclear Arsenal Size because although it has been decreasing its stockpile, there was a period of inconsistency from 1998 to 2005, during which its nuclear warhead supply increased.

The API for Europe shows Austria ranked first with the maximum number of points possible (7.25). This means that Austria is the most active in terms of non-proliferation efforts. Following closely behind are Ireland and Sweden, tied for second at 6.25 points. The Netherlands is ranked exactly fifth, which means that it is relatively active since no ties exist before sixth place. Poland's activity is average, as it tied with seven other countries for seventh place. This index is applicable to all regions of the world. [12] [13] [14] [15] [16] [17] [18] [19] [20]

Background

Ireland

Since 1958, Ireland has led the disarmament movement with its "Irish Resolutions" proposal, also known as the foundation for the NPT.[21] As the "first signatory and leading voice" of the NPT, Ireland continues to present itself as a strong advocate for disarmament, having been one of the few countries to sign the NBT document immediately on September 20, 2017.

Ireland has a long history of British rule and now assumes an international position of neutrality[22]. Its decision to become neutral came from its resistance to the asymmetrical power between itself and Britain.[23] Irish-British relations have improved post-colonization, but the Irish government continues to work to establish and maintain an identity that is completely independent of the United Kingdom. Ireland joined the EU in 1973 and is not a member of NATO but participates in the Partnership for Peace (PfP) program, which allows it to work with the alliance without having to become a member.[24]

Ireland does not possess any nuclear weapons, nor does it utilize nuclear energy, which is largely due to government's ability to afford the long-term financial commitment. The Irish government is already struggling to meet its renewable energy requirement under the European Union's 2020 goals, but according to former Energy Minister Alex White, Ireland is unlikely to utilize nuclear energy in the future.[25] This is because the Radiological Protection Institute of Ireland places firm regulations on the use of nuclear energy through the Radiological Protection Act of 1991, and because the potential environmental and safety concerns of nuclear energy worry the public.[26] [27]

Ireland's defense spending is the lowest in the region, which raises concern regarding national security.[28] Ireland is ill prepared to defend itself unless Irish leaders believe that the CFSP as a formidable means of defense. It cannot even rely on deterrence because it lacks the minimum capability necessary to have a credible defense system.[29] A 2015 White Paper released by the government stated that "maintaining military capabilities...is too expensive".[30] For such reasons Ireland is particularly vulnerable to conventional attacks, invasions, or wars, let alone nuclear incidents. Ireland's overall vulnerability explains its aggressive nonproliferation stance.

Austria

Austria has also presented itself as a main force behind nuclear disarmament. Along with Ireland, it was one of the five EU countries that voted in favor of the draft version of the NBT on July 7, 2017 and signed the official document on September 23, 2017. Austria has been a supporter of non-proliferation efforts since the implementation of the NPT, and according to William C. Potter, was "the most critical voice in the Focus Group discussions" during the 2015

NPT Review conference. As made possible by Article VII of the NPT, Austria has independently declared itself a Nuclear-Weapon-Free Zone.[31] This makes it the only NWFZ in Europe.[32] In 2014 at the Vienna Conference, Austria issued a Pledge that addresses the humanitarian consequences of nuclear weapons, known as the Humanitarian (or Austrian) Pledge.[33] The purpose was to launch negotiations on a nuclear prohibition treaty and force nations to acknowledge the need to bridge the 'legal gap' that refers to the several possible interpretations of international law on nuclear weapons.[34]

Austria constructed its first nuclear energy plant in 1972 and planned to construct two additional plants until the government began to experience backlash from the community. The public had initially appeared to support the move to nuclear energy but protesting gradually increased, which led to a referendum in 1978 in which the votes against nuclear power won by slightly more than fifty percent.[35] Notably, Austrians voted against nuclear power even before the nuclear Chernobyl disaster of 1986, which effectively deterred many nations from using nuclear energy. Following this, the Austrian Parliament passed a law called 'Atomsperrgesetz', which translates to the "Atom banning law", prohibiting the use of nuclear energy in Austria.[36] Although Austria has the capability of using nuclear energy for peaceful purposes, it has opted against doing so.

It seems as though Austria's history of occupations and invasions has shaped its nonproliferation perspective. Constant adversity stifled the ability of the country and its citizens to create an identity until it regained sovereignty post-WWII. Austria joined the EU in 1995 and has not become a member of NATO. Like Ireland, it collaborates with the alliance through the PfP program. Austria identifies the PfP program as a necessary partnership for effective involvement in military efforts within the CFSP, since there is a large overlap of member states.[37] Austria recognizes the EU and NATO as partners but nonetheless assumes neutrality on an international stage.

Austria's defense system is minimal and efforts to maintain military preparedness have decreased according to officials, but Parliament reassures that "the better Austria is integrated into the international security architecture, the more efficiently will it be able to safeguard its security interests and peace policy objectives".[38] Austria attaches its national security concerns to

those of the EU, and emphasizes how defense strategies internationally have shifted from deterrence to cooperation.[39] Parliament explains that this shift occurred after the Cold War, which triggered a transformation in European security policy, as the world order evolved to include numerous global players as well as less transparency and predictability.[40] Because of this, Austria has begun to rely more on cooperation with other international actors as a defense strategy rather than fortifying its own military.

Netherlands

At the United Nations Conference to Negotiate a Legally Binding Instrument to Prohibit Nuclear Weapons, Leading Towards their Total Elimination, the Netherlands was the only country from any region to vote against the draft of the NBT. The Netherlands did not sign the Humanitarian Pledge, but it is a founder of the Non-Proliferation and Disarmament Initiative (NPDI) and a member of the Conference on Disarmament (CD), along with Austria and Ireland. The NPDI is a group of states that seek to strengthen the non-proliferation regime by achieving goals such as increasing transparency within the nuclear regime and promoting key legal instruments that safeguard nuclear activity.[41] Poland and Germany are the only other EU-NPDI members. Notably, the Netherlands is the chair of the Preparatory Committee for the 2020 NPT Review Conference.[42] The Netherlands has a strong national identity, exemplified by its role as a founding member of both the European Union and NATO.

The Netherlands has one functioning nuclear reactor with at least one more unit proposed for the future.[43] Dutch interest in nuclear energy began to decay after substantial natural gas reserves were discovered, and even more so after the Chernobyl nuclear disaster.[44] Consequently, Dutch parliament decided to phase out the Borssele reactor but reversed the decision in 2005 due to "legal difficulties", which refers to trouble implementing the decision.[45] When the environmental and economic benefits of nuclear energy became clear, sentiment began to favor nuclear energy, and the government remains open to constructing new plants for the purpose of cutting carbon dioxide emissions in accordance with the European sustainable energy goals.[46]

In 1970, the Netherlands became part of a joint nuclear fuel company with Germany and the United Kingdom, which now also involves the United States.[47] U.S.-Netherlands relations are

long-standing through NATO and the stockpiling of American nuclear weapons on Dutch territory. Much this stockpiling happened in the beginning of the 1960s and involved the United Kingdom as well.[48] Geographically, presence in the Netherlands has been advantageous for the United States, especially with robust Dutch naval forces as a resource. American anti-submarine warfare (ASW) units were also stored on UK territory for Dutch use, but the use of these weapons has always been up to the leaders of the United States and the United Kingdom.[49] The American nuclear arsenal in the Netherlands has considerably decreased since the end of the Cold War, but it still "currently deploys an estimated 10-20 nuclear B61 bombs in underground vaults inside 11 aircraft carriers at Volkel Air Base".[50] On its own, the Netherlands has a formidable military defense system, spending an average of 1.201 percent on defense in 2016.[51] Military upkeep in the Netherlands is necessary as the country represents a crucial strategic position for the United States. While the Netherlands may not have any enemies of its own, it must be prepared to assist or cooperate with its American ally if necessary, especially if Dutch leaders seek American protection.

Poland

Poland did not vote on the NBT draft treaty, voted against the convening of a 2017 Conference to Negotiate a Legally Binding Instrument to Prohibit Nuclear Weapons, Leading towards their Total Elimination, and has not signed the Humanitarian Pledge.[52] Its history has been contentious, which is recognized by its political leaders, "Poland fought for and regained independence between 1918 and 1921, only to lose it again in 1939-1945, and to once again reclaim it in 1989-1991".[53] Poland joined NATO in 1999 and became an EU member in 2004.

Poland gets most of its energy from coal and gas. In order to coincide with the EU climate policy, Polish leaders continue to search for a way to minimize reliance on harmful consumption methods.[54] Much of its gas supply comes from Russia, a country that the Polish government seeks to rely less on in general.[55] Consequently, Poland has looked to nuclear energy as an effective and environmentally friendly substitution. Poland has 23 active reactors, 6 under construction, and 9 planned.[56] Since 2009, Poland has been cooperating with France on matters of nuclear plant development, research, and construction.[57]

The Polish government has also been working to establish cross-border energy transmission systems. Already partially connected with Sweden through a subsea line, Poland has formulated an agreement with Ukraine in 2015 regarding a future project as well.[58] Polish leaders have also devised a plan with Finland and Sweden to synchronize energy transmissions by 2025 through the Baltic Energy Market Interconnector Plan (BEMIP) and are pursuing another big project that will establish a link with Lithuania.[59]

Within its 2017-2021-policy framework, Poland seeks to enhance the credibility and potential of its allies and bolster its own defense capabilities.[60] The country is working towards meeting the defense spending quota set by NATO. Poland regards the EU and NATO as "vital" to its security and claims to have already become increasingly more secure because of these alliances.[61] While Poland does not host nuclear weapons on its territory, it has agreed to host a United States missile defense system, much to Moscow's disgruntlement. There has been discussion between the United States and Poland regarding threats to Poland's security and its corresponding areas of weakness.[62] The agreement is a clear strategic advantage to both sides:

> The United States recognizes that this assistance will strengthen Poland's contributions to the NATO Alliance and facilitate strategic cooperation between the United States and Poland. Poland acknowledges and appreciates the important assistance provided by the United States in the past to Polish military modernization efforts. The United States intends to provide substantial assistance to support Poland's military modernization efforts in the future" (United States Department of State 2008).

The Role of Language, Identity, and Norms

Language and the 'Legal Gap'

The aftermath of implementation is one area of disagreement among advocates and opponents of the NBT. Advocates view the NBT as a mechanism that will complement the NPT and strengthen the non-proliferation regime, while opponents believe the opposite. Leaders from

countries such as the United Kingdom, France, the Netherlands, and the United States argue that the imperfections of the treaty will jeopardize the NPT and non-proliferation process. The nature of the language used in the treaty and during negotiations has a big role in creating this discrepancy.

Ireland stubbornly underscores the necessity of implementation.[63] As early as 1957 Foreign Minister Frank Aiken regarded the need for nuclear disarmament as "urgent".[64] In March 2017, Irish Ambassador Patricia O'Brien stressed the need for everyone to "reject the premise that they [nuclear weapons] can ever be used again *under any circumstances*" due to the catastrophic affects.[65] At the 72nd UNGA meeting in October 2017, Mr. George-Whilhelm Gallhofer of Austria used similar language to that of Foreign Minister Aiken when he expressed that disarmament and the implementation of the CTBT are both 'urgent', and again when he highlighted the need for the "total elimination of nuclear weapons".[66] Gallhofer's language was extreme, especially when he stated that the international system appears to be "balancing at the edge of an abyss".[67] Gallhofer and his Austrian counterparts are actively encouraging other countries to sign the NBT and get it into force "as soon as possible".[68]

Austria's geographical location at a nuclear crossroad may be the underlying push behind its intense discourse. Likewise, Ireland's adjacency to the United Kingdom, a NWS, could potentially make it feel like a target of other NWS states such as Russia. Contrarily, countries like the Netherlands argue that there should be no rush in the process. The hurry or hesitancy that leaders exhibit regarding implementation is a result of how individual leaders have interpreted the grey area, or legal gap, that exists in international law on nuclear weapons.

Political leader Hans Dijkstal of the Netherlands and Patricia O'Brien commented on this "legal gap", which refers to the fact that international law does not specifically forbid the use of nuclear weapons. The United Nations General Assembly (UNGA) sent an inquiry to the International Court of Justice (ICJ) asking if the use of nuclear weapons was legal under international law. Hans Dijkstal responded to this ICJ case, expressing his belief that the court should refrain from giving an opinion. He explained that a decision deeming nuclear weapons illegal would endanger the integrity of the NPT, as would a decision that deemed them legal.[69] He describes the case as a "recipe for competition and fragmentation".[70]

If the court had decided that nuclear weapons were unlawful, then that would have applied to all circumstances.[71] If the court had decided that they were lawful, the permitted circumstances would have been unclear, a matter that the ICJ would have not been required to explain further.[72] Dijkstal presented several examples of ambiguity related to possession, side effects, small nuclear weapons, humanitarian law, and victim suffering.[73] He also argued that outlawing nuclear weapons would lead to more instability by putting NWS and nuclear host states in an awkward position, as they would suddenly possess large arsenals of illegal weapons.[74] Essentially either outcome of the case would have carried significant and potentially disastrous weight in the process of disarmament.

Participants have noted the vulnerability in the language that can lead to different responses. For example, the Dutch identified Article 1 of the NBT as incompatible with NATO obligations, and submitted a temporality clause that adjusted the wording so that it could better match the obligations of NATO member states. This effort did not succeed though, because it did not align with the views of many other participants. Failure to find common ground in language inevitably infringes on the ability of countries to reach a unified position, resulting in a blocked consensus. The debate on language persisted during verbal negotiations, especially since the NBT introduced new discourse that eliminated the prospect of interpretation, such as the declaration that nuclear weapons are to "never be used again under any circumstances," which presented a problem for NATO and others who rely on nuclear weapons for security. The new regulations posed by the NBT would be favorable for the political leaders who are ready to make a considerable change, but for NATO countries particularly, the definitive language renders the legislation incompatible with their views and results in a rejection of the treaty. Yet, the opportunity for each state to have its own interpretation has led to many failed negotiation attempts as well.

Wording and interpretation of discourse are thus responsible for part of the division within the EU. Negotiation is inevitably difficult when implications are unclear. Agreement on language is a key component of cohesion, as the difference between one word and another can be the difference between a vote for or against the entire agreement. Those who have rejected the

NBT are rejecting the language of the treaty, not the idea. This does not explain all oppositions, but it explains one important point of contention among many countries involved in the process.

Identity and Decision-Making

National identity is at the core of decision-making. Irish and Austrian leaders identify themselves as neutral on an international stage but must utilize their voices to push disarmament because otherwise their land and their people are highly vulnerable to nuclear threats due to their lack of arsenals, dangerously low military spending, and hypothetical absence of military allies. These problems are products of their perception of neutrality.

The Austrian government has instead adopted a pro-humanitarian approach to the issue, possibly to show sympathy to possible victims of nuclear warfare, because it can historically relate to war-related violence. Out of respect for the integrity of its people's identity, culture, and traditions, the government is also careful to respect their voices, a concept validated by the Humanitarian Pledge, and by the outlaw of all things nuclear following public outcry. Each nation's diverse past has led to the formation of diverse identities, and these two countries in particular have committed to the fight against nuclear weapons based on the beliefs and suspicions they have formed over time. The Nuclear Ban Treaty would provide the utmost credible means of security for these 'non-allied' states.

With this, even those who are not neutral face adversity in this area. The NBT clearly contradicts some of NATO's fundamental principles, as NATO relies on nuclear deterrence and collective defense. Thus, NATO leaders seek to persuade NNWS members to adhere to its beliefs and act in accordance with the alliance: "We strongly encourage you [NATO members] to vote 'no' on any vote at the UN first committee on starting negotiations for a nuclear ban treaty".[75]

Therefore, Poland's vote against negotiations and the Netherlands' vote against the NBT are not surprising. The Netherlands identifies closely with NATO as an original member and is acting in support of what the alliance wants. Although the Dutch government has expressed support for non-proliferation and has taken on leadership roles within the movement as the chair of the Preparatory Committee for the 2020 NPT Review Conference, member of the CD, and co-founder of the NPDI, it is nonetheless slowing down the disarmament process. Ultimately, all of

these decisions are linked with NATO. The Dutch overtly expressed loyalty to NATO in their explanation of vote on the NBT, which asserted that the Netherlands could not accept the NBT or "any instrument that is incompatible with NATO obligations".[76]

The Polish government appears to be constantly concerned with the nation's sovereignty and security. In Polish foreign policy documents, Polish leaders often point out the threat that Russia poses. Especially after Russia's 2014 annexation of Crimea, Poland's history of occupation and Russia's proximity have reasonably intensified apprehension among Polish leaders. The first sentence of Polish foreign policy strategy reads, "Poland's security and environment has deteriorated considerably as a result of Russia's annexation of Crimea and the Russian-provoked conflict in eastern Ukraine".[77] Long ago Polish leaders recognized the vulnerability of the country's geographic position and have now made a clear decision to be proactive in acknowledging the threat. The government has called for the strengthening of military forces in the EU's Eastern flank to ensure the capabilities of NATO, because it fears reliving its history of Russian occupation. This likewise means that the government is willing to do whatever necessary to ensure the alliances reliability, even if that means storing U.S. missiles on its land.[78] Polish leaders have further expressed that American military involvement in Europe is imperative for the security of the region and "is key to maintaining NATO's collective defence and deterrence capabilities".[79]

Thus, inconsistencies between Polish claims and actions make sense. Polish officials are advocates of non-proliferation for other NNWS, but out of fear for Poland's national security, leaders are attempting to balance advocacy paradoxically with increased defense cooperation with the United States and NATO.[80]

The Evolution of Norms: Neutrality and Nuclear Weapons

Neutrality

The norm of neutrality is evolving and becoming increasingly difficult to uphold. A country that deems itself neutral forfeits military assistance from other countries, which can be daunting during a time of instability in the international community. This is why 'neutral' countries like Ireland and Austria inadvertently show partiality to one alliance or another, in this

case towards the West through collaboration with NATO. The idea of being neutral seems favorable until a government is fully responsible for defending its territory: "it is the role of the government to be prepared to act alone in its own defense until the United Nations can secure international peace and security".[81] In one way, this is beneficial to governments that fear domination by the more powerful countries in an alliance, but on the other hand, it leaves a nation vulnerable. Aside from whatever protection the CFSP claims to offer, Ireland and Austria would be responsible for protecting themselves against nuclear weapons in the event of war, against which they have no nuclear weapons or anything nearly as powerful with which to retaliate. In a sense, non-NATO membership could serve as a defense strategy itself, but the reliability of that strategy would depend on whether or not countries like Russia would target NATO members directly or instead target less powerful, neighboring states. Therefore, it is understandable that the leaders of these countries would seek alternative security in some compromised form. Although neither the Irish government nor the Austrian government believe that their countries will be involved in violence soon, neither wants to wait for something to happen, especially if they lack a promised umbrella.[82]

As global relations pressure states that adhere to this norm, a shift in its meaning occurs. Some scholars such as Neal G. Jesse refer to neutral states as 'non-allied' instead of neutral, because the nature of the international system makes it incredibly difficult to abstain from military alliances. Austria is essentially non-allied despite its attempt to remain neutral because in reality, its United Nations membership makes it clear that complete neutrality is not possible based on a legal view of UN obligations.[83] So-called neutral states, like Ireland and Austria, openly value their relationship with NATO and seek to maintain an amicable relationship with the alliance to increase the likelihood of inclusion in its defense.[84]

Even just being an EU member poses challenges to the claim of neutrality, as Europe has begun to create common defense policies of its own. Although the claim is that countries like Ireland can benefit from the military assistance of the EU without having to change neutral status, the slight orientation is still evident and worthy of suspicion.[85] The Amsterdam Treaty states:

> The policy of the Union in accordance with this Article shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realized in the North Atlantic Treaty Organization (NATO), under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework" (European Communities 1997).

Ultimately, the union recognizes the potential need for member states to compromise its commitment due to its obligations to NATO but regards it as a chance for the two alliances to work in unison. So, while EU member countries are not required to change their neutral status, it does not mean that they do not utilize the support of the EU's partners, one of which is clearly NATO. Austrian Parliament recognizes this advantage and admits that security within the region is dependent on EU and NATO relations, and that the success of the CSFP depends on this partnership.[86]

Nuclear Weapons

Upon finalization of the NPT, the international nuclear 'norm' was that NNWS would forfeit the opportunity to obtain nuclear weapons, if NWS would eventually decrease stockpiles and dispose of nuclear weapons. Many are questioning this 'norm' in 2017. Norm pioneers like Ireland and Austria are fighting incredibly hard to make a new universal 'norm': no nuclear weapons, at all, ever. The desired shift here is from deterrence to cooperation. Many NNWS are promoting this norm while NWS are resisting it. As an alliance that relies on deterrence as a defense strategy, NATO continues to contest this norm and persuades all of its members to do the same.

In this way, it is possible to address realist and liberalist claims. Should countries be prioritizing deterrence, as realists would suggest, Ireland and Austria would not have cut military spending to practically nothing. The Austrian Parliament at one point actually mentioned the decreasing relevance of the deterrence principle, "There has been a paradigm shift in security

policy in Europe. This process, which started with the end of the Cold War (1989), has initiated a transition from thinking in terms of military balance and deterrence to an understanding of comprehensive and co-operative security".[87] Furthermore, another Austrian official stated, "…it is urgent that we finally move on from the Cold War concept of mutual assured destruction as the illusionary warrant for the security of ourselves, our children and grandchildren".[88]

Yet deterrence remains a key component of NATO policy formations, "[NATO will] maintain an appropriate mix of conventional, nuclear, and missile defense forces…to bolster deterrence as a core element of our collective defense and contribute to the indivisible security of the alliance".[89] However, it is not necessarily a determinant of the decisions made by EU countries regarding the NBT. EU countries that do not express direct support for the NBT are voting based primarily on how those countries identify with NATO, not its deterrence policy specifically. The NBT conflicts with this deterrence principle, but explanations of opposing votes frame the violation of NATO member obligations. While several non-NATO EU states covertly rely on the alliance's deterrence, such as Ireland and Austria, there is no barrier limiting their ability to support a piece of legislation that clearly violates such rules because they are simply not parties to the alliance.

The intimidation of a British nuclear umbrella could be reason behind Ireland's rejection of realist views. Ireland's lack of military and lack of alliances leave it extremely vulnerable in an intensifying international climate, "…lacking a credible defense, Ireland pursues diplomatic relations as a way to assert itself".[90] This idea emphasizes cooperation to some extent, but the framework of the debate would likely be on verification if cooperation were the main issue. While the Netherlands addresses verification as an issue of the NBT in its explanation of vote, Austria and Sweden also address this factor yet still voted in favor of implementing the NBT. While the debate can incorporate problems of verification, one cannot give full credit to this liberal ideal because the issue itself arises primarily due to the severity of the regulations in the NBT that would necessitate the verification.

Other Key Players

The United Kingdom and France

The United Kingdom and France are two more EU countries that did not vote on the NBT draft. They support non-proliferation and have signed the NPT and CTBT and have shown support for a potential Fissile Material Cut-off Treaty (FMCT) but rejected the ban because of their status as NWS and corresponding reliance on nuclear weapons for security. They identify the importance of the NPT and their commitment to eventual disarmament through that specific piece of legislation, rather than the new ban treaty, which they believe would undermine international peace and security.[91] Furthermore, the United Kingdom and France released a joint statement with the United States that firmly declares their unrelenting disapproval of the ban, "We do not intend to sign, ratify, or ever become party to it [the NBT]".[92] The United Kingdom and France are hugely important in the disarmament process and hold two of the strongest positions within the EU, but their positions are not comparable to those of other EU members as they are the only NWS in Europe.

Sweden

Sweden falls into the same category as Ireland and Austria. It has established itself as a neutral territory, voted in favor of the NBT, has upheld significant presence at conferences and negotiations, and participates in the PfP program. Sweden has significantly cut defense spending since 1990 from 2.39% of GDP to 1.042% and assumes a similar position on defense and non-proliferation as Ireland.[93] Its leaders provided a statement in response to the draft NBT that parallels the beliefs and language of those of Ireland and Austria. In its explanation of its affirmative vote, the speaker noted that the ban treaty did not meet its expectations but it nonetheless decided to support it due to the "unprecedentedly limited time at our disposal".[94] The Swedish government assumes the position of a norm pioneer as it firmly believes that the "new norm against the use and possession of nuclear weapons will be strengthened by this treaty".[95] It has expressed some disappointment with the treaty, though, because the NPT is not clearly recognized as the cornerstone for disarmament, there are concerns regarding verification, and because there are issues with the language such as in Article 18, which suggests that obligations

of the NPT and CTBT could potentially appear to be reduced under the NBT.[96] William C. Potter further refers to Sweden's participation in 2015 NPT Rev Con and how it emerged as one of the "most ardent advocates…for strong language on the humanitarian impact [of nuclear weapons]".[97]

Germany

Germany is a member of NATO, a member of the NPDI, and has been involved in FMCT negotiations. Following WWII, the opportunity to develop nuclear weapons was limited in Germany, and consequently it does not have any of its own.[98] Like the Netherlands, and like many other EU-NATO members, the German government shows support for non-proliferation but also shows commitment to its NATO allies. German leaders have previously pledged to never use nuclear weapons, yet it hosts at least 10-20 known U.S. tactical bombs and "is expected to extend the service life of its nuclear-capable PA-200 tornado through the 2020s".[99] The German government does not participate adamantly in negotiations probably because of its conflicting perspectives: that of the government, which is inclined to comply with NATO, and that of the people, which demand acceptance of the NBT.[100] The German government ignored this demand in its decision to abstain from negotiations.[101]

Findings

The cases of Ireland, Austria, and Sweden are applicable to other EU countries that identify as neutral. Because of the identity that these countries have formed, they are more inclined to push for a ban on nuclear weapons than are those who identify with NATO. Along with Ireland, Austria, and Sweden, Cyprus and Malta voted in favor of the NBT. These five countries were the only five out of the entire European Union to vote in favor of the treaty. Including Finland, these countries are also the only EU members that are not members of NATO. Aside from these five affirmative votes and the one negative vote from the Netherlands, all other EU countries abstained from voting on the treaty. Finland did not vote on the draft because it regards United States nuclear weapons as vital to its security, assuming its close collaboration

with the EU on defense.[102] However, Finland remains hesitant to join NATO partially due to its geographic location, as it shares a border with Russia.[103]

The Dutch have a tremendously close relationship with NATO and a long history of international leadership. These two aspects of the country's identity almost oblige it to form a strong position against the NBT, unless it wants to forfeit one of its central characteristics. Essentially the Dutch government is trying to balance internal pressure from its citizens, who are increasingly showing opposition to the idea of nuclear weapons, with its NATO commitments.[104] These internal and external pressures are forcing the government to seek a solution. This case is nonetheless applicable to other EU NATO members, especially those who store nuclear weapons on their territory. This includes Belgium, Germany, and Italy, which are in the same position as the Netherlands, but do not have the same motivation to be deep-seated in the debate. These countries support nuclear disarmament but are unlikely to vote in favor of the proposed NBT not only due to their identities as NATO members but furthermore because of their status as nuclear hosts. Poland's ability to advocate for nuclear non-proliferation is slightly more flexible than these states since it hosts U.S. missiles instead of nuclear weapons. The case of Poland is more comparable to the remainder of other EU countries that do not have unique status as nuclear hosts but hold questionable positions on the NBT, as seen in the RPI.

The leaders of the Netherlands are negotiating on behalf of EU-NATO members, and trying to sell the idea that the international community is working towards disarmament, despite lack of support for the NBT. The Dutch are trying to reinforce that the means by which the international community can best achieve disarmament does not include the process proposed in the Nuclear Ban Treaty. A popular argument made by most opponents of the NBT is that the treaty will infringe on the progress that has occurred through agreements such as the NPT, and the Strategic Arms Reduction Treaty (START) between the United States and Russia. During a brief on the NBT, the German delegation also raised the point that Ireland and Austria are on the border of pushing negotiations too hard and argued that the momentum could antagonize important disarmament players and cause them to disengage from the initiative.[105]

Ultimately, EU-NATO members are rejecting the proposed norm that will come with the NBT while non-NATO EU members attempt to persuade acceptance of the new norm through

acceptance of the treaty. Many countries recognize the necessity of NWS compliance in order for the new law to be successful, but it remains increasingly difficult to find common ground between supporters and oppositionists as many are in different situations that result in different fears and motivations. Consequently, the inclination of non-NATO EU countries to be preventive is so strong that they are unlikely to easily surrender to the demands of NATO.[106]

Conclusion

The habits and inclinations that countries develop over time are extremely powerful determinants of decision-making. The diverse histories of EU member countries have played a central role in the development of each country's individual identity and corresponding policies. EU member states who are promoting the new norm are pushing for change guided by their past experiences, while those resisting norm evolutions are also doing so because of how they view their role in the world. Lack of EU cohesion is not concentrated on support or opposition for non-proliferation and disarmament, but rather on the approach to the issue. EU member states have not been able to reach consensus on the ban treaty primarily because the definitive language used in the legislation, that signifies the creation of a new nuclear norm, does not satisfy the different viewpoints that countries have based on their identities. Without the influence of determining factors such as language, norms, and identity, EU countries would likely have very similar outlooks on the issue. The presence of such factors is what makes agreement, cooperation, and coherence complicated.

These findings suggest that disagreement over the NBT as it stands is inevitable. Key NWS have already decided that they will never sign the treaty, despite the strong efforts of others to implement it. Until international actors can find common ground regarding the NBT, which is unlikely to happen soon, the international community needs to refocus its disarmament efforts in order to continue making progress towards a nuclear-weapons-free world. Advocates and opponents of the NBT alike need to shift their attention back to the NPT as a fundamental building block for disarmament, push for the implementation of the CTBT, and continue negotiations on a possible FMCT, before any implementation of a nuclear ban can be further

considered. Stern advocates for elimination may not be fond of this prolonged process, but it may be the only way for disarmament to progress amidst disagreement.

Austria and Ireland should shift their intense advocacy towards the implementation of the CTBT, which is less controversial and remains outstanding since it opened for signing in 1996. In order for the CTBT to enter into force, all remaining "Annex 2" states must sign and ratify the treaty, which amounts to only eight other states.[107] Additionally, Austria and Ireland can push for more negotiations on a FMCT, which would aid disarmament efforts significantly if enacted. This would allow both advocates to continue making progress towards non-proliferation without unintentionally dismantling the entire process. With that, both countries should try to ease the pressure they are putting on other states to accept the NBT, at least temporarily, in order to avoid aggravating NWS and jeopardizing overall success.

The Netherlands and Poland should likewise push for the CTBT and a potential FMCT if they wish to keep the disarmament process going as well. However, these countries, especially the Netherlands, should initiate negotiations with supporters of the NBT in order to review the treaty and adjust the language. This should be a priority for these countries if they truly wish for the nuclear ban to someday succeed. The Netherlands in particular needs to act as a mediator between advocates and opponents, and work closely with the United Kingdom and France to gain an understanding of what needs to happen in order for these countries to accept a ban treaty. Poland is right to remain wary of potential aggressors such as Russia, but Polish leaders should not retreat from non-proliferation efforts. Polish leaders can similarly push for the CTBT and FMCT yet still refrain from provoking its enemies or frustrating its allies. It is important, though, that while the fate of the NBT is unclear, Poland avoids bolstering its defense and external assistance to an extent that perturbs its NWS neighbor and former occupant.

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